

REMARKS

In the non-final Office Action, the Examiner objected to the drawings; provisionally rejected claims 1-31 on the grounds of non-statutory obviousness-type double patenting as unpatentable over claims 1-47 of copending application no. 10/665,359; rejected claims 1-14, 16-19, and 25-33 under 35 U.S.C. § 103(a) as unpatentable over Shultz et al. (U.S. Patent Application Publication No. 2003/0061211) in view of Michalewicz et al. (U.S. Patent Application Publication No. 2002/0042789); and rejected claims 15 and 20-24 under 35 U.S.C. § 103(a) as unpatentable over Shultz et al. in view of Michalewicz et al. and Rubenczyk et al. (U.S. Patent Application Publication No. 2003/0217052).

By this Amendment, Applicants amend claims 6, 9, 13, 15, 21, 23, 25, 27, and 31-33 to improve form. Applicants respectfully traverse the Examiner's objection to the drawings and rejections under 35 U.S.C. § 103. Claims 1-33 remain pending.

OBJECTION TO THE DRAWINGS

In paragraph 2 of the Office Action, the Examiner objected to Figure 5 because "the items are not numbered in the drawings and should be reflected in the specification." Applicants traverse the objection.

Applicants are unaware of any patent law or rule that requires that every figure in an application include reference numbers. Applicants respectfully submit that Figure 5 of Applicants' application is clearly described in Applicants' original specification.

Applicants request that the Examiner cite the appropriate patent law or rule or the appropriate portion of the M.P.E.P. that supports the Examiner's position that every figure in an application include reference numbers--otherwise, the Examiner must withdraw the objection.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to the drawings.

DOUBLE PATENTING REJECTION

In paragraph 4 of the Office Action, the Examiner provisionally rejected claims 1-31 on the ground of non-statutory obviousness-type double patenting as allegedly unpatentable over claims 1-47 of copending application no. 10/665,359. Without acquiescing in the Examiner's rejection, but solely to expedite prosecution, Applicants submit herewith a timely filed terminal disclaimer.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the provisional obviousness-type double patenting rejection of claims 1-31.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
SHULTZ ET AL. AND MICHALEWICZ ET AL.*

In paragraph 6 of the Office Action, the Examiner rejected claims 1-14, 16-19, and 25-33 under 35 U.S.C. § 103(a) as allegedly unpatentable over Shultz et al. in view of Michalewicz et al. Applicants respectfully traverse the rejection.

Independent claim 1, for example, is directed to a method for clustering by address. The method comprises receiving a search query that includes one or more keywords; obtaining one or more geographical identifiers; identifying an area of interest based, at least in part, on the one or more geographical identifiers; identifying documents that are associated with addresses located within the area of interest; determining ones of the identified documents that match the one or more keywords as relevant documents; grouping the relevant documents into clusters based, at least in part, on the addresses located within the area of interest; and presenting the clusters.

Neither Shultz et al. nor Michalewicz et al., whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 1. For example, neither Shultz et al. nor Michalewicz et al. discloses or suggests grouping the relevant documents into clusters based, at least in part, on the addresses located within the area of interest.

The Examiner admitted that Shultz et al. does not disclose or suggest this feature, but alleged that Michalewicz et al. discloses the feature and cited paragraph 33 of Michalewicz et al. for support (Office Action, pages 6-7). Applicants respectfully disagree.

At paragraph 33, Michalewicz et al. discloses

The method includes providing a query and analyzing the query in order to create a query pattern. A document source is then searched for documents which match the query pattern. The retrieved documents are divided into subsets of similar documents, where each subset of the subsets of similar documents is described in terms of a subset pattern. An ordered list of clusters is provided based on the subset pattern of each subset of similar documents. The ordered list of clusters includes separate clusters which contain similar documents retrieved in response to the query.

In this paragraph, Michalewicz et al. discloses creating a query pattern, searching for documents that match the query pattern, and dividing the retrieved documents into subsets of similar documents, where each subset is described in terms of a subset pattern. Nowhere in this paragraph, or elsewhere, does Michalewicz et al. disclose or remotely suggest grouping relevant documents into clusters based, at least in part, on the addresses located within an area of interest, as required by claim 1.

The Examiner alleged that the text of paragraph 33 in Michalewicz et al. "clearly indicates that grouping the relevant documents into clusters are the retrieved documents are divided into subsets of similar documents and at least in part on the address located within the

area of interest is a type of subset pattern" (Office Action, page 7). Applicants submit that the disclosure of Michalewicz et al. provides absolutely no support for the Examiner's allegation. Michalewicz et al. discloses a subset pattern as a "logical or" of two query patterns, a "logical and" of two query patterns, a "logical difference" of two query patterns, a "logical or" of a query pattern and a string, a "logical and" of a query pattern and a string, or a "logical difference" between a query pattern and a string (paragraphs 0034-0040). In fact, Michalewicz et al. does not disclose anything remotely similar to grouping relevant documents into clusters based, at least in part, on the addresses located within the area of interest, as required by claim 1.

Because Shultz et al. and Michalewicz et al. do not disclose or suggest grouping relevant documents into clusters based, at least in part, on the addresses located within the area of interest, Shultz et al. and Michalewicz et al. cannot disclose or suggest presenting the clusters, as further required by claim 1.

For at least these reasons, Applicants submit that claim 1 is patentable over Shultz et al. and Michalewicz et al., whether taken alone or in any reasonable combination. Claims 2-14, 16-19, 25, and 26 depend from claim 1 and are, therefore, patentable over Shultz et al. and Michalewicz et al. for at least the reasons given with regard to claim 1. Claims 2-14, 16-19, 25, and 26 are also patentable over Shultz et al. and Michalewicz et al. for reasons of their own.

For example, claim 16 recites forming a separate one of the clusters for each of the addresses located within the area of interest. Neither Shultz et al. nor Michalewicz et al. discloses or suggests the combination of features recited in claim 16.

The Examiner admitted that Shultz et al. does not disclose or suggest the feature of claim 16, but alleged that Michalewicz et al. discloses the feature and cited paragraph 33 of

Michalewicz et al. for support (Office Action, page 13). Applicants traverse the rejection.

Paragraph 33 of Michalewicz et al. is reproduced above. In this paragraph, Michalewicz et al. discloses creating a query pattern, searching for documents that match the query pattern, and dividing the retrieved documents into subsets of similar documents, where each subset is described in terms of a subset pattern. Contrary to the Examiner's apparent allegation, nowhere in this paragraph, or elsewhere, does Michalewicz et al. disclose or remotely suggest grouping documents into clusters based on addresses, let alone, forming a separate one of the clusters for each of the addresses located within the area of interest.

For at least these additional reasons, Applicants submit that claim 16 is patentable over Shultz et al. and Michalewicz et al., whether taken alone or in any reasonable combination.

Claim 17 recites identifying a first one of the addresses associated with a first one of the relevant documents, determining one or more second ones of the relevant documents that are also associated with the first address, and grouping the first relevant document and the one or more second relevant documents into a cluster. Neither Shultz et al. nor Michalewicz et al. discloses or suggests the combination of features recited in claim 17.

The Examiner admitted that Shultz et al. does not disclose or suggest the features of claim 17, but alleged that Michalewicz et al. discloses these features and cited paragraph 132 of Michalewicz et al. for support (Office Action, pages 14-15). Applicants disagree.

At paragraph 132, Michalewicz et al. discloses:

In step 605, the user identifies keywords or presents a complete query (e.g., house AND project). The documents will be retrieved (from the database) on the basis of these keywords (index match). In step 610, the query and/or keywords are analyzed and a "pattern" is created. In step 615, the database is searched for documents which match the pattern. In step 620, the retrieved documents are divided into subsets of similar documents, where each subset is described by its own pattern. In other words, the process

creates an ordered list of clusters. In step 625, the user is provided with an initial solution proposal.

In this paragraph, Michalewicz et al. discloses that a pattern is created from the query and/or keywords, a database is searched for documents that match the pattern, and the retrieved documents are divided into subsets of similar documents, where each subset is described by its own pattern. Contrary to the Examiner's apparent allegation, nowhere in this section, or elsewhere, does Michalewicz et al. disclose or remotely suggest grouping documents into clusters based on addresses, let alone, identifying a first one of the addresses associated with a first one of the relevant documents, determining one or more second ones of the relevant documents that are also associated with the first address, and grouping the first relevant document and the one or more second relevant documents into a cluster, as required by claim 17.

For at least these additional reasons, Applicants submit that claim 17 is patentable over Shultz et al. and Michalewicz et al., whether taken alone or in any reasonable combination.

Claim 19 recites placing at least one of the relevant documents into a plurality of the clusters. Neither Shultz et al. nor Michalewicz et al. discloses or suggests the combination of features recited in claim 19.

The Examiner admitted that Shultz et al. does not disclose or suggest the feature of claim 19, but alleged that Michalewicz et al. discloses this feature and cited paragraph 132 of Michalewicz et al. for support (Office Action, page 16). Applicants disagree.

Paragraph 132 of Michalewicz et al. is reproduced above. In this paragraph, Michalewicz et al. discloses that a pattern is created from the query and/or keywords, a database is searched for documents that match the pattern, and the retrieved documents are divided into subsets of similar documents, where each subset is described by its own pattern. Contrary to the

Examiner's allegation, nowhere in this section, or elsewhere, does Michalewicz et al. disclose or remotely suggest grouping documents into clusters based on addresses, let alone, placing at least one of the relevant documents into a plurality of the clusters, as required by claim 19.

For at least these additional reasons, Applicants submit that claim 19 is patentable over Shultz et al. and Michalewicz et al., whether taken alone or in any reasonable combination.

Independent claims 27-30 recite features similar to, but possibly different in scope than, features recited in claim 1. Claims 27-30 are, therefore, patentable over Shultz et al. and Michalewicz et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 1. Claim 31 depends from claim 30 and is, therefore, patentable over Shultz et al. and Michalewicz et al. for at least the reasons given with regard to claim 30.

Independent claim 32 is directed to a method for forming search results. The method comprises receiving a search query that includes one or more keywords and at least one portion of a telephone number; identifying documents that are associated with telephone numbers that match the at least one portion of the telephone number; determining ones of the identified documents that match the one or more keywords as relevant documents; grouping the relevant documents into clusters based, at least in part, on the telephone numbers included in the relevant documents; and presenting the clusters as the search results.

Neither Shultz et al. nor Michalewicz et al., whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 32. For example, neither Shultz et al. nor Michalewicz et al. discloses or suggests grouping the relevant documents into clusters based, at least in part, on telephone numbers included in the relevant

documents.

The Examiner did not address this feature of claim 32 and, therefore, did not establish a prima facie case of obviousness with regard to claim 32.

For at least these reasons, Applicants submit that claim 32 is patentable over Shultz et al. and Michalewicz et al., whether taken alone or in any reasonable combination.

Independent claim 33 recites features similar to, but possibly different in scope from, features recited in claim 32. Claim 33 is, therefore, patentable over Shultz et al. and Michalewicz et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 32.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-14, 16-19, and 25-33 under 35 U.S.C. § 103 based on Shultz et al. and Michalewicz et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
SHULTZ ET AL., MICHALEWICZ ET AL., AND RUBENCZYK ET AL.*

In paragraph 7 of the Office Action, the Examiner rejected claims 15 and 20-24 under 35 U.S.C. § 103(a) as allegedly unpatentable over Shultz et al. in view of Michalewicz et al. and Rubenczyk et al. Applicants respectfully traverse the rejection.

Claims 15 and 20-24 depend from claim 1. Without acquiescing in the Examiner's rejection with regard to claims 15 and 20-24, Applicants respectfully submit that the disclosure of Rubenczyk et al. does not cure the deficiencies in the disclosures of Shultz et al. and Michalewicz et al. identified above with regard to claim 1. Therefore, claims 15 and 20-24 are patentable over Shultz et al., Michalewicz et al., and Rubenczyk et al., whether taken alone or in

any reasonable combination, for at least the reasons given with regard to claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 15 and 20-24 under 35 U.S.C. § 103 based on Shultz et al., Michalewicz et al., and Rubenczyk et al.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

If the Examiner believes that the application is not now in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicants that such assertions are accurate or that such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

PATENT
Application Serial No. 10/664,929
Docket No. 0026-0051

To the extent necessary, a petition for an extension of time under 35 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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